

REMARKS

I. Introduction

Upon entry of the present amendment, claims 1-6, 8-9, 13-15, 18-22, 25-26, 30-32 and 35-37, will be pending in this application. Claims 1, 4, 13, 18, 26, 31 and 35-37 have been amended to clarify the features of the invention or to correct dependencies. Claims 7, 10, 11, 12, 16 and 17 have been cancelled. No new matter has been added.

Claims 4, 13, 17 and 35 were objected to as being dependent upon a rejected base claim. Claims 4, 13, and 35 each have been rewritten in independent form to include all of the limitations of the respective base claims. Claim 17 has been cancelled, and the limitations of both of claims 16 and 17 have been incorporated into amended claim 15.

Based on the following remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

II. Rejections based on 35 U.S.C. § 112

The Examiner has rejected claims 26 and 36-37 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 26 and 36-37 have been amended to include proper antecedent basis. Applicants respectfully request withdrawal of this rejection.

III. Claim Rejections

The Examiner has rejected claims 1-3, 5-6, 8, 14-16, 18-20, and 25-26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,740,241 to McCubbin. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

To anticipate a claim, a reference must teach each and every element of the claim, either expressly or inherently. *See* M.P.E.P. § 2131. McCubbin does not disclose each and every element of the claims.

The hook (22 or 28) on the setting jig of McCubbin does not clamp onto or otherwise securely attach to the jig. Therefore, the hook can slide off the jig, making positioning the blade within the jig difficult to do. As is illustrated in McCubbin Figure 4, the “gage means” 21 or jig shown in McCubbin Figure 5 or improved type “gage means” of Figure 7 are positioned on a sharpening stone 24 with the bent end 23 (Figure 5) overhanging and contacting one end of the stone 24. The guide or frame 10 would then have to be urged backwards to keep the roller 20 positioned within the hook 22/28 while at the same time positioning the bevel of the blade at the desired location on the gage means 21/28, initially with the wing nuts 16 and 17 loose so that plate 18 is not tight against blade 25 so that blade 25 can slide within the frame 10. Then, while maintaining the desired projection of blade 25 from frame 10 *and* while maintaining blade 25 square to frame 10, wing nuts 16 and 17 must be tightened.

The “gage means” 21 or jig shown in McCubbin Figure 5 and the improved type “gage means” of Figure 7 make contact with only the tool bevel in the case of the Figure

5/numeral 21 gage means and make contact with only the tool bevel and cutting arris in the case of the Figure 7 gage means. This very limited contact between the McCubbin “gage means” or jig, together with the other considerations described in the preceding paragraph make accurate positioning of a blade in the McCubbin jig very difficult. This limited tool contact can make squarely positioning the tool in the honing guide difficult, particularly in the case of a narrow tool such as a 1/8” or 1/4” wide bench chisel.

A jig that is securely clamped to the guide during use to provide a tool registration surface contact surface co-planar with the guide reference surface (underside 26, *see* Figure 7) provides superior facilitation of tool-in-guide positioning. The fence 25 on the jig squares the tool to the guide and further facilitates proper positioning of a tool in the guide.

As will be appreciated by reference to Applicants’ specification and claims, the jig of the present invention is positively secured to the guide during use so that the jig and guide cannot move relative to each other during use of the jig. Moreover, the jig of the present invention attaches to the guide so that the underside of the jig is coplanar with the guide reference surface against which the blade reference surface is secured during use of the jig. *See, e.g., Application Figures 1, 3-6, 17 and 23.* This facilitates positioning of the blade within Applicants’ guide. Furthermore:

As may be best appreciated by reference to Figures 5 and 6, chisel 22 is positioned “square” in jig 20 (with the longitudinal axis of the tool 22 at right angles relative to the axis of roller 42) by positioning the edge 23 of chisel 22 against jig reference fence 25 which is “square” to the roller 42. This automatically positions the chisel or blade 22 to form an arris 72 square to the tool. Stop 62 wraps around fence 25, preventing removal of stop 62 by lateral movement, and a pin 27 prevents stop 62 from sliding off the end of jig 30 by

moving stop along fence 25. While fence 25 is shown along one edge of jig body 52, such a fence 25 could be located on the opposite edge of jig body 52 or at any intermediate position between those edges. The function of reference fence 25 could also be served by other structures such as, for instance, an aligned row of pins in jig body 52 so that a side of the chisel or blade can lie against two or more of such pins.

Specification, p. 11, lines 3-13. Thus, the jig 30/130 of Applicants' invention also provides a fence for contact with a side of a blade to facilitate correct, repeatable positioning of the blade in the guide.

In contrast with the McCubbin guide and jig, as explained above, amended claim 1 of this application recites a "releasable clamping structure for removable coupling." Therefore, McCubbin does not disclose every element of amended claim 1.

Further, claim 26 requires two tool positioning surfaces on the jig for contact with a side and a reference surface of the tool. McCubbin does not disclose a jig having positioning surfaces for contact with a side and the reference surface of the tool. Rather, the McCubbin jig only contacts the tool bevel and cutting arris. Therefore, McCubbin does not disclose every element of claim 26.

McCubbin fails to disclose every element of each of independent claims 1 and 26. Therefore, the independent claims are not anticipated by the McCubbin reference. The dependent claims are patentable for at least the reasons the independent claims are patentable, and may be patentable for additional reasons.

For at least these reasons, the claims are not anticipated by McCubbin. Applicants respectfully request reconsideration and withdrawal of these rejections.

The Examiner has rejected claims 9, 21-22 and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over McCubbin in view of U.S. Patent No. 4,733,501 to McLean. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

These rejected dependent claims are allowable for at least the reasons independent claims 1, 15 and 26 are allowable, as described above, and may also be allowable for additional reasons. Applicants respectfully request reconsideration and withdrawal of these rejections.

CONCLUSION

The amendments and the above remarks completely responded to the Office Action and place the application in condition for allowance. Such action is respectfully requested.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 815-6188 is respectfully solicited.

Respectfully submitted,

Camilla C. Williams

Camilla C. Williams
Registration No. 43,992

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530
(404) 815-6500